

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

NOTICE OF MOTION NO.458 OF 2007

IN

APPEAL NO.75 OF 2007

IN

NOTICE OF MOTION NO. OF 2006

IN

SUIT (LODG.) NO.3 OF 2007

Kantilal Manganlal Rathod

..Appellant.

Vs.

Roy Ambrose @ Joseph Creado & Ors.

..

Respondents.

....

Shri V.A. Thorat, Senior Advocate with Shri R.A. Thorat i/b Shri R.D. Thorat for the Appellant in support of the Notice of Motion.

Shri Satish P. Nagvenkar for Respondent No.1.

Shri K.N. Gaikwad for Respondent No.5 (BMC).

....

CORAM: **R. M. S. KHANDEPARKAR, &**  
**DR. D.Y. CHANDRACHUD, JJ.**

21<sup>st</sup> February, 2007.

P.C. :

The records apparently disclose that the Appellant has raised a specific point regarding the cancellation of the original agreement between the parties and all the details in that regard were placed before the Court. There was no counter to the statements made on oath in that regard by the Appellant before passing the interim order. Besides, even third party rights also

have been stated to have been created. In the circumstances, a prima facie case has been made out for the grant of interim relief in the nature of clause (a). The Notice of Motion is accordingly made absolute in terms of prayer clause (a).

(R. M. S. KHANDEPARKAR, J.)

(DR. D.Y. CHANDRACHUD, J.)